

**REMARKS**

This Amendment is filed in response to the FINAL Office Action mailed on October 28, 2008. All objections and rejections are respectfully traversed.

Claims 77-110 are in the case.

No Claims have been cancelled.

Claims 77, 90, 103, and 104 have been amended to better claim the invention.

No new Claims have been added.

**Interview Summary**

Applicant's undersigned attorney would like to take this opportunity to thank Examiner Peng Ke for his courtesy and helpfulness in the telephone interview held on 26 January 2009. The independent claims have been amended as suggested by the Examiner.

**Request for Examiner Interview**

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before issuance

of the next Office Action. The Applicant's undersigned attorney may be reached at 617-951-2500.

**Request to Withdraw Finality of Office Action**

Applicant respectfully requests that the FINALITY of the Office Action mailed on 28 October 2008 be withdrawn on the grounds that the rejection under 35 U.S.C. 102 citing the de Jong patent set out on pages 2-3 of the Office Action is confusing, as the Section 102 rejection appears to be combined with a 35 USC 103(a) rejection at the next to last paragraph of Page 3 where the Manghirmalani patent is cited.

At Page 2 of the Office Action claims 77-81, 83, 85, 86, 88-94, 96, 98, 99, 101, and 102 were rejected under 35 U.S.C. 102(e) as being anticipated by deJong, et al. U.S. Patent No. 7,107,534 issued on September 12, 2006 (hereinafter deJong).

Also, it is believed that the rejection is under 35 U.S.C. 103(a) further in view of Manghirmalani, et al. U. S. Patent No. 5,819,028 issued on October 6, 1998 (hereinafter Manghirmalani), as set out at the bottom of Page 3 and the top of Page 4 of the Office Action.

Applicant's claimed invention, as set out in representative Claim 77, comprises in part:

77. A method for managing a computer network, comprising:  
operating a plurality of servers connected to the network, each server of the plurality of servers connected to one or more storage devices;  
*organizing a plurality of volumes across the plurality of servers, wherein each volume is a logical arrangement of the one or more storage devices connected to a particular server;*  
*consolidating two or more selected volumes of the plurality of volumes into a group of volumes* using a graphical user interface, wherein at least two volumes in the group of volumes are located on separate servers of the plurality of servers;  
identifying a party interested in statistical information related to operation of the group of volumes using the graphical user interface;  
*polling all servers within the group of volumes, by a monitoring process, for statistical information;*  
*combining statistical information from the servers within the group of volumes in order to provide a statistical information for the group of volumes;*  
*displaying, on the graphical user interface, the statistical information for the group of volumes;*  
comparing the monitored statistical information to a threshold value to determine whether an event has occurred; and  
in response to determining that an event has occurred, notifying the interested party.

The cited deJong discloses a system for obtaining statistical information from one server.

The cited Manghirmalani discloses a network management station which has agent software executing on a plurality of network devices. The agents gather diagnostic and status information from their respective network devices, and forward the information to the network management station. The management station then can display the network functionality to a user, as a display of the health of the network.

Applicant respectfully urges that neither cited patent discloses Applicant's claimed novel

*organizing a plurality of volumes across the plurality of servers, wherein each volume is a logical arrangement of the one or more storage devices connected to a particular server . . . consolidating two or more selected volumes of the plurality of volumes into a group of volumes . . . polling all servers within the group of volumes, by a monitoring process, for statistical information . . . combining statistical information from the servers within the group of volumes in order to provide a statistical information for the group of volumes . . . displaying, on the graphical user interface, the statistical information for the group of volumes.*

Applicant respectfully points out that Applicant claims *organizing a plurality of volumes across the plurality of servers . . . consolidating two or more selected volumes of the plurality of volumes into a group of volumes.*

Applicant then further claims *polling all servers within the group of volumes . . . for statistical information . . . combining statistical information from the servers within the group of volumes in order to provide a statistical information for the group of volumes.*

The patent deJong has no disclosure of combining statistical from a *plurality of servers* as statistical information across a *group of volumes*. The patent deJong simply gathers statistical information from one single server at a time.

Accordingly, Applicant respectfully urges that deJong is legally insufficient to render Applicant's claimed invention unpatentable under 35 U.S.C. 102 because of the absence from deJong of Applicant's claimed novel

*organizing a plurality of volumes across the plurality of servers, wherein each volume is a logical arrangement of the one or more storage devices connected to a particular server . . . consolidating two or more selected volumes of the plurality of volumes into a group of volumes . . . polling all servers within the group of volumes, by a monitoring process, for statistical information . . . combining statistical information from the servers within the group of volumes in order to provide a statistical information for the group of volumes . . . displaying, on the graphical user interface, the statistical information for the group of volumes.*

Further, Manghirmalani has no disclosure of either Applicant's claimed novel *organizing a plurality of volumes across the plurality of servers . . . consolidating two or more selected volumes of the plurality of volumes into a group of volumes . . . combining statistical information from the servers within the group of volumes in order to provide a statistical information for the group of volumes.* Manghirmalani

simply collects statistical information from network devices connected into a network in order to display how well the devices are working, in order to assess network health. Again, Manghirmalani has no disclosure of forming *volumes* and *groups of volumes* over a *plurality of servers* and determining statistical information for the *group of volumes*.

Applicant respectfully urges that Applicant claims a higher level of logical organization than is disclosed by either deJong or Manghirmalani. That is, Applicant claims forming *of volumes across the plurality of servers*, and further organizing the volumes into *groups of volumes*. Therefore, Applicant claims at two layers higher of logical organization than is disclosed by either deJong or Manghirmalani. Applicant's *volumes* are at a first layer of logical organization than is disclosed by either deJong or Manghirmalani. Applicant then claims a second higher layer of logical organization in Applicant's organizing the volumes into *groups of volumes*.

Applicant respectfully urges that, the absence from both deJong and Manghirmalani of Applicant's claimed higher layers of logical organization, *of volumes across the plurality of servers* and *groups of volumes*, renders both deJong and Manghirmalani legally insufficient to render Applicant's claimed novel invention unpatentable under either 35 U.S.C. 102 or 35 U.S.C. 103(a).

Accordingly, Applicant respectfully urges that neither deJong nor Manghirmalani, taken either singly or in combination, is legally capable of rendering Applicant's claimed novel invention unpatentable under 35 U.S.C. 103(a) because of the absence from each of Applicant's claimed novel

*organizing a plurality of volumes across the plurality of servers, wherein each volume is a logical arrangement of the one or more storage devices connected to a particular server . . . consolidating two or more selected volumes of the plurality of volumes into a group of volumes . . . polling all servers within the group of volumes, by a monitoring process, for statistical information . . . combining statistical information from the servers within the group of volumes in order to provide a statistical information for the group of volumes . . . displaying, on the graphical user interface, the statistical information for the group of volumes.*

At Page 7 of the Office Action claims 82, 84, 87, 95, 97, 100, and 100-110 were rejected under 35 U.S.C. 103(a) as being unpatentable over deJong in view of Manghirmalani.

Applicant respectfully points out that claims 82, 84, 87, 95, 97, 100, and 100-110 are all dependent claims, and are dependent from independent claims which are believed to be in condition for allowance. Accordingly, claims 82, 84, 87, 95, 97, 100, and 100-110 are believed to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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